

UNITED STATES DISTRICT COURT  
for the  
Eastern District of Michigan

United States of America,  
  
Plaintiff,  
  
v.  
Tyquan Montez Rushin

4:21-mj-30414  
Magistrate Judge Curtis Ivy, Jr.  
CMP USA V RUSHIN (kcm)

Defendant(s).

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief:

On or about the date(s) of August 28, 2021, in the county of Genesee  
in the Eastern District of Michigan, the defendant(s) violated:

*Code Section*  
18 U.S.C. § 922(g)(1)

*Offense Description*  
Felon in possession of a firearm

This criminal complaint is based on these facts:  
Please see the attached affidavit.



Continued on the attached sheet.



*Complainant's signature*

Nate Sutara, Special Agent-ATF&E

*Printed name and title*

Sworn to before me and signed in my presence and/or by reliable electronic meanr:

Date: August 30, 2021



*Judge's signature*

City and state: Flint, Michigan

Curtis Ivy, Jr., United States Magistrate Judge  
*Printed name and title*

**AFFIDAVIT**

I, Nathan Sutara, being duly sworn, depose and state the following:

**INTRODUCTION AND AGENT BACKGROUND**

1. I have been employed as a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) since May 2018. I am currently assigned to the Detroit, Michigan Field Division, Flint Field Office. I am tasked with investigating violations of firearms and narcotics laws. Before working with ATF, I was employed by the Michigan Department of State Police (MSP) for approximately 5 years. I held several positions with MSP, including Detective/Trooper with the Major Case Unit in Saginaw, Michigan. During this employment, I investigated numerous incidents involving robberies, shootings, and homicides as well as violations of state and federal firearms laws.

2. I make this affidavit based on my participation in this investigation, including witness interviews by myself and/or other law enforcement agents, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. The information outlined below is provided for the limited purpose of establishing probable cause and does not contain all details or all facts of which I am aware relating to this investigation.

3. Based on the facts below, I have probable cause to believe that on August 28, 2021, Tyquan Montez Rushin (XX-XX-1994), knowing that he had a previous conviction for a crime punishable by a term of imprisonment exceeding one year, knowingly possessed, in and affecting commerce, a firearm in violation of 18 U.S.C. § 922(g)(1).

### **BACKGROUND**

4. On August 28, 2021 at approximately 0005hrs, Michigan State Police Troopers assigned to the city of Flint were on patrol traveling northbound on Martin Luther King approaching Pierson Road. At that time, Troopers observed the suspect vehicle, a white Chevrolet Impala bearing MI/Registration EKF 9877, also traveling northbound, in front of Troopers. Troopers conducted a LIEN/SOS query of the affixed license plate, and noted the vehicle did not have insurance. As a result, Troopers conducted a traffic stop on the vehicle.

5. It should be noted, per MCL 257.328, it is a misdemeanor for a vehicle to operate without insurance.

6. Troopers made contact with the driver, Walter Deandre-Arasis Trouser (XX-XX-1991). When asked about insurance on the vehicle, Trouser was unable to produce any. As a result, Troopers advised Trouser they would be towing the vehicle due to it not having insurance.

7. After speaking with Trouser, Troopers made contact with another occupant of the vehicle, Tyquan Montez Rushin (XX-XX-1994) who was identified via his Michigan ID card. Rushin was asked to step out of the vehicle due to it being towed; Rushin complied. Rushin was then asked to be searched. Initially, Rushin said no. Rushin, though, asked why. Troopers responded saying it was for safety purposes. Rushin then provided permission to search his person. At that time, Troopers located a Smith & Wesson, model SD9VE, 9mm pistol bearing S/N: FYD0554, which was loaded with 14 rounds of 9mm ammunition in the magazine, and one 9mm round in the chamber of the firearm. This firearm was located in Rushin's waistband near his right appendix.

8. After securing the firearm, Troopers conducted a query of the pistol. It was revealed this firearm was reported "Stolen" on 11-02-2016.

9. Troopers later conducted a custodial interview with Rushin. Troopers advised Rushin his *Miranda* rights, verbatim, per the MSP department-issued advice of rights card. When asked to waive his rights and speak with Troopers, Rushin agreed.

10. Rushin admitted he granted MSP Troopers verbal consent to search his person. When asked about the firearm, Rushin admitted he carries the firearm for his protection, as he has been shot at in the past. Rushin stated he got the firearm when

he left the New Paths treatment facility. Rushin did not know the firearm was stolen. In addition, Rushin admitted he is currently on probation.

11. Rushin was later lodged at the Flint City Jail for various firearm charges, including Felon in Possession of a Firearm and Possession of a stolen Firearm.

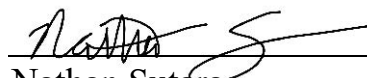
12. On August 30, 2021, S/A Sutara reviewed Rushin's criminal history. Rushin is currently on Probation from a felony conviction of Felony Controlled Substance and Possession of a Firearm without a License. These convictions came out of the 7<sup>th</sup> Circuit Court in Flint, MI on May 15, 2018.

13. I have spoken with Special Agent Dustin Hurt who has received specialized training regarding the manufacture and shipping of firearms. S/A Hurt stated that the Smith & Wesson, model SDVE, 9mm pistol bearing S/N: FYD0554 was manufactured outside the state of Michigan.

**CONCLUSION**

14. Based upon all of this information, probable cause exists that Tyquan Montez Rushin violated 18 U.S.C. §§ 922(g)(1).

Respectfully submitted,

  
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Nathan Sutara  
ATF Special Agent

Subscribed and sworn to before me and/or by reliable electronic means  
on August 30, 2021, 2021



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HON. CURTIS IVY, JR.  
UNITED STATES MAGISTRATE JUDGE